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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Telecommunications Relay Services and )  
Speech-to-Speech Services for )  
Individuals with Hearing and Speech )  
Disabilities )

CC Docket No. 98-67

Americans With Disabilities Act )

CG Docket No. 03-123

**COMMENTS ON NOTICE OF PROPOSED RULEMAKING  
WORLD COM, INC. d/b/a MCI**

September 24, 2003

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## EXECUTIVE SUMMARY

This Notice of Proposed Rulemaking calls for comment on numerous modifications to the Commission's mandatory minimum requirements governing the provision of telecommunications relay service (TRS). MCI takes this opportunity to comment on these issues.

The Commission should use its jurisdiction to sponsor relay centers into the TSP program to ensure that hearing and speech impaired persons have access to priority provisioning or restoration. It should follow the approach taken to enroll PSAPs into the TSP program: ensure that all TRS providers' critical circuits are enrolled in the TSP program; examine options to fund participation in the program; and continue to encourage sponsorship of the critical services and circuits used to ensure the resiliency of TRS service into the TSP program. This approach will ensure that users of TRS will have functionally equivalent access and resiliency of service.

IP-Relay calls should be encrypted at the level used in prevailing commercial transactions over the Internet, which typically involves secure socket layer (SSL) security up to 128 bits, depending on the capabilities of the user's browser. MCI recommends against relying on user sign-ins to achieve security. They are disfavored by the user community and do not increase the security of transmitted conversations.

Wireless providers do yet not universally provide Phase I or Phase II location information. In addition, a relay provider would need to build a database linking this location information to appropriate PSAPs, an action that would involve significant development work. MCI, therefore recommends that the Commission require relay providers to file a report one year from today describing the availability of Phase I or II location information, and the efforts they have taken to build the databases necessary to route emergency calls to the same PSAP that would receive the call if the same caller dialed 911 on a wireless telephone.

MCI supports the reimbursement of multi-lingual services when a relay provider hires a CA who has the ability to translate from one language to another. In this instance the service would be no different than a traditional relay call, and would not go beyond existing standards of functional equivalency. A text caller would type text in one language, the CA would voice the call (in this case, in another language), the called party would respond, and the CA would respond to the calling party in text. On the other hand, if a CA were to conference in a separate translation service to assist in the call, this call arrangement would no longer fit the model of a traditional relay call and should not be eligible for being reimbursed from the Interstate Relay Fund.

MCI does not support establishing mandatory call set-up times. MCI always strives to keep call set-up time to a minimum. However, call set-up times may generally vary for a variety of caller-initiated reasons. In addition, the time required to set-up speech-to-speech service (STS) can also vary greatly in length because callers may vary widely in the severity of their speech disabilities.

Communications Access Real-time Translation (CART) should be reimbursed on a voluntary basis. Traditional TTY devices limited to Baudot transmission rates still comprise the majority of TTY devices and would not benefit from the availability of CART CAs. Moreover, the supply of qualified CART CAs is limited and supply shortages would significantly increase the near term cost of providing CART services.

MCI supports requiring relay centers to accommodate local exchange company (LEC) vertical services if they have SS7. Just as the Commission's Caller ID rules only require interexchange carriers to pass calling party number (CPN) if they are using SS7, functional

equivalency will be achieved if the Commission requires relay centers using SS7 to accommodate LEC services utilizing SS7 capabilities.

Providing Talking Return Call, which is premised on the ability of a TRS provider to identify the last number dialed, should be a voluntary service. It is generally not possible to identify last number dialed in a multi-vendor state. Nor is it possible to identify last number dialed using IP-Relay service.

MCI strongly supports greater funding for education of the general public about the use and availability of relay services. The Commission should consider focusing on provider-based outreach efforts. Because relay providers realize a direct economic benefit from this method of outreach, they have a strong incentive to make it effective. Another advantage of provider-based outreach is its ability to be funded from the Interstate Relay Fund. In order for mandated general outreach efforts to avoid burdening the states, the Commission should consider mandating specific general outreach requirements for relay providers who provide relay services funded solely from the Interstate Relay Fund. Providers of such services serve the entire country and are well placed to educate the general public about the uses and availability of relay services.

Finally, the Commission should require relay providers who are not also participating in a state-certified TRS program to be certified by the Commission as being in compliance with the Commission's mandatory minimum TRS requirements. Complaints made with regard to such services might only be made to the relay provider. State relay authorities would not necessarily review or monitor the quality of services provided by such providers. Such providers should apply to the Commission for certification as an Interstate TRS provider; provide evidence they are in compliance with the mandatory minimum standards; and be required to keep a log of any complaints received, and their disposition of such complaints.



**I. THE COMMISSION SHOULD USE ITS JURISDICTION TO SPONSOR RELAY CENTERS INTO THE TSP PROGRAM TO ENSURE THAT HEARING AND SPEECH IMPAIRED PERSONS HAVE ACCESS TO PRIORITY PROVISIONING OR RESTORATION**

The Commission seeks input on the feasibility of assigning a priority level for the restoration of TRS services in the event of an emergency. MCI is the nation's leading provider of Telecommunications Service Priority (TSP) service, and supports the Commission's recent efforts to expand participation into the TSP Program. MCI encourages the Commission to consider further use of its authority to sponsor Relay Service providers into the TSP Program in order to ensure functionally equivalent service for the hearing and speech-impaired communities.

TSP has been used since its inception to provide very specific priority provisioning or restoration of national security or emergency preparedness (NS/EP) circuits. In many ways TSP acts as an insurance policy for critical telecommunications circuits. In order to obtain priority provisioning or restoration of a circuit following a crisis, an applicant into the TSP program must apply before the incident occurs. Those who qualify for TSP must meet one of the functions set forth below:

1. National Security Leadership;
2. National Security Posture and U.S. Population Attack Warning;
3. Public Health, Safety, and Maintenance of Law and Order; or
4. Public Welfare and Maintenance of National Economic Posture.

In the event that an incident (i.e., hurricane, earthquake, terrorist strike, etc.) could have an impact on the telecommunications services or circuits supporting any one of the above four categories, TSP provides priority provisioning of new circuits or restoration of existing or damaged circuits. TSP is intended to restore service or provision new services only for those who have qualified for the program prior to a particular disaster, for those entities that have NS/EP level telecom requirements as a part of a business continuity or emergency response plan.

The Commission's current proposal has the right aim, which is to increase participation in the TSP Program for services that support hearing and speech-impaired citizens. However, the approach set forth in the Commission's *NPRM* may not be the most effective approach to ensure that the community's needs are addressed. The Commission states "...we tentatively conclude that it is appropriate to assign at least the same NS/EP priority to TRS that applies to LECs or other telecommunications services available to the general public."<sup>1</sup> NS/EP priority does not typically apply to the local exchange carriers (LECs) or other common carriers supporting NS/EP services. That is, carriers are exempted from priority obligations to ensure that the underlying networks are survivable and sustainable - a telecom company must ensure its own network continuity before it can start to address TSP issues. Once control services and orderwire resiliency is secure, carriers begin resolving TSP issues, beginning with those assigned a priority "E" for emergency, continuing to work on a best-effort basis through the lower priority levels, 1-5. Some examples of "E" emergency provisioning include:

1. Federal Government activity responding to a Presidentially-declared disaster or emergency as defined in the Disaster Relief Act (42 U.S.C. § 5122).
2. State or local government activity responding to a Presidentially, state, or locally declared disaster or emergency.
3. Response to a state of crisis declared by the National Command Authorities (e.g., exercise of presidential war emergency powers under § 706 of the Communications Act).

MCI has been providing priority provisioning and restoration of national security and emergency preparedness (NS/EP) related circuits following numerous crises, following hurricanes, earthquakes, floods, or acts of domestic or international terrorism. TSP was used extensively in the New York City area following September 11 to ensure restoration of critical

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<sup>1</sup> Telecommunications Relay services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, Americans with Disabilities Act, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking (*NPRM*), ¶105.



government facilities, restore the New York Stock Exchange, and to support the Federal Emergency Management Agency's Disaster Field Office, as well as many other uses. TSP is not, however, available to the general public, and does not provide priority for the provisioning or restoration of telecom services or circuits used for any purpose other than National Security and Emergency Preparedness.

MCI strongly supports the FCC's efforts to expand participation in the TSP program. Recent efforts to ensure that the nation's Public Safety Answering Points (PSAPs) are engaged in the TSP program are directly related to the goal of ensuring public health and safety, and public welfare generally. Under the rules of the TSP program, the FCC is using its jurisdiction to sponsor PSAPs into the TSP program, to ensure that the nation's 911 service has access to priority provisioning or restoration, when applicable.

Rather than take the approach that TRS service should be restored at the same priority level as carriers restoring their own networks, the Commission should follow its recent 911 approach: ensure that all TRS providers' critical circuits are enrolled in the TSP program; examine options to fund participation in the program; and continue to encourage sponsorship of the critical services and circuits used to ensure the resiliency of TRS service into the TSP program. This approach will ensure that users of TRS will have functionally equivalent access and resiliency of service. The FCC can sponsor any entity into the TSP Program so long as it meets the requirements set forth in the Telecommunications Service Priority Report and Order, and further clarified by the National Communications System Directive 3-1 and supporting documents. This would provide an efficient and effective means for ensuring priority provisioning and restoration of relay services.

## **II. MANDATORY MINIMUM STANDARDS**

### **A. Operational Standards**

#### **1. IP Relay Calls Should Be Encrypted At The Level Used In Prevailing Commercial Transactions Over The Internet**

The Commission notes that transmissions over the Internet do not automatically ensure relay users the same privacy protections as traditional TRS calls carried over the public switched network (PSTN).<sup>2</sup> MCI recognized this issue when it began providing its IP-Relay service and has encrypted IP-Relay transmissions secure socket layer (SSL) security up to 128 bits, depending on the capabilities of the user's browser. This is the same level of encryption security currently used by commercial transactions conducted over the Internet and it assures a high degree of security. This is also the same level of encryption built into current web browsers. One advantage of tying encryption levels to those used by current web browsers is the Commission will ensure that IP-Relay users will obtain the latest level of encryption as they upgrade their browsers.

The Commission also seeks comments on whether alternative security measures such as registration, sign-ins, or passwords should be used.<sup>3</sup> MCI does not support these measures because they do nothing to increase confidentiality and users in the deaf and hard-of-hearing communities have consistently stated that required registration would not be considered functionally equivalent conversations.

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<sup>2</sup> *NPRM*, ¶106

<sup>3</sup> *Id.*, ¶107

2. The Commission Should Require Wireless Carriers And Relay Providers To Report On The Feasibility Of Routing A Wireless Relay Call To the Appropriate PSAP In One Year

The Commission asks parties how they currently route emergency wireless 711 calls.<sup>4</sup>

MCI currently requires the reception of a wireless infodigit in the SS7 stream in order to properly automatically route a wireless emergency call. This would allow the communication assistant (CA) to be alerted to an incoming wireless call if the caller intended to dial 911 or subsequently dials 911, allow the CA to ask the caller what location they are calling from, and then take steps to route a call to the appropriate PSAP. In the absence of a wireless infodigit, MCI will pass the call to the PSAP associated with the caller's ANI, but it also passes Phase I or II location information contained in SS7 signaling data to the PSAP. Consequently, if the caller is roaming in an area different from the area associated with their ANI, the PSAP will obtain location information that does not match the caller's ANI and will attempt to redirect the caller to the PSAP associated with the transmitted location information.

The Commission asks parties to comment on what conditions are necessary for relay providers to be able to route a wireless TRS call to the same PSAP that would receive the call if the same caller dialed 911 on a wireless telephone.<sup>5</sup> The first condition necessary is for the relay provider to receive Phase I or II location information from every wireless emergency call. Wireless providers do yet not universally provide this information. Second, if Phase I or II location information is available, the relay provider would need to build a data base linking this location information to appropriate PSAPs. Doing this would require significant development work by all relay providers. Due to the amount of development work involved, and the absence

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<sup>4</sup> *Id.*, ¶ 108

<sup>5</sup> *Id.*, ¶ 108

of universally provided Phase I or II location information from wireless providers, MCI recommends that the Commission require relay providers to file a report one year from today describing the availability of Phase I or II location information, and the efforts they have taken to build the databases necessary to route emergency calls to the same PSAP that would receive the call if the same caller dialed 911 on a wireless telephone.

3. Relay Providers Should Be Allowed To Be Reimbursed For Voluntarily Providing Multi-lingual Translation Services

In this *NPRM*, the Commission seeks comment on whether it should allow relay centers that employ a non-shared language translation service to be reimbursed from the Interstate TRS Fund.<sup>6</sup> In its *First Improved Services Order*, the Commission determined that multi-lingual translation services go beyond functional equivalency because language translation services are not included in basic telephone services offered to persons without hearing or speech disabilities.<sup>7</sup> In this *NPRM*, the Commission notes the possible need for multi-lingual translation services, and calls for comment on the possible cost of providing these services in order to determine whether the net benefits justify providing a service that goes beyond functional equivalency.<sup>8</sup>

MCI does not support reimbursing multi-lingual services that go beyond functional equivalency, but notes that if a relay provider were to hire a CA who had the ability to translate from one language to another, the service would be no different than a traditional relay call, and would not go beyond existing standards of functional equivalency. A text caller would type text

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<sup>6</sup> *Id.*, ¶114

<sup>7</sup> In the Matter of Provision of Improved Telecommunications relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, *First Improved Services Order*, CC Docket No. 98-67, 17 FCC Rcd 7779 (2002).

<sup>8</sup> *NPRM*, ¶114

in one language, the CA would voice the call (in this case, in another language), the called party would respond, and the CA would respond to the calling party in text. If a relay provider were to voluntarily provide such a service on an interstate basis, it should be reimbursed according to the existing rate for a traditional relay call.

On the other hand, if a CA were to conference in a separate translation service to assist in the call, this call arrangement would no longer fit the model of a traditional relay call. Moreover, if such a call were reimbursed from the Interstate Relay Fund ("Fund") the fund would be paying for separate translation services that would significantly add to the costs imposed upon the Fund. Similarly, requiring relay providers to offer many kinds of multi-lingual relay services, would require them to train CAs in every major language, or would require conferencing in the services of an external translation service. Both options would significantly add to the costs imposed upon the Fund. For this reason, MCI opposes mandating the provision of multi-lingual services, but does support allowing relay providers to be reimbursed for interstate calls if they hire CAs who have translation capabilities.

## **B. Technical Standards**

1. The Commission should not mandate call set-up times.

The Commission notes that its rules do not currently establish minimum call set-up times, and further notes that some consumers have complained that call set-up time can be lengthy for certain types of relay calls.<sup>9</sup> The Commission therefore seeks comment on whether technologies might reduce call set-up time, and whether it should require specific call set-up times for each type of TRS call.

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<sup>9</sup> *Id.*, ¶116.

MCI always strives to keep call set-up time to a minimum. However, call set-up times may vary because a caller wants to give the operator special call handling instructions, or a caller is not prepared to give alternate billing information and must look for credit card. A caller may also want to change part of his/her profile. All these, and other caller-initiated, requests may unpredictably extend call set-up time. The time required to set-up speech-to-speech service (STS) can also vary greatly in length because callers may vary widely in the severity of their speech disabilities. Additionally, since most State TRS contracts and interstate reimbursement is based on relay time and does not reimburse for call setup time, TRS providers have a strong financial motivation to reduce call set-up time to a minimum. For these reasons, MCI does not support mandatory minimum call set-up times for specific relay services.

2. TRS Facilities

- a. The Commission should allow CART to be provided on a voluntary basis

The Commission seeks comment whether TRS providers should be required to offer communication access real-time (CART) services in order to improve the speed of relay conversations. The Commission explains that CART utilizes a CA trained in stenography able to type at rates between 150 to 200 words per minute (wpm).<sup>10</sup> MCI does not support requiring relay providers to make CART available on a mandatory basis. Traditional TTY devices limited to Baudot transmission rates still comprise the majority of TTY devices. These devices do not transmit conversations faster than 60 wpm and would not benefit from the availability of CART CAs. Moreover, the supply of qualified CART CAs is limited and supply shortages would significantly increase the near term cost of providing CART services. Until a notable majority of

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<sup>10</sup> *Id.*, ¶119

relay users utilize devices that can take advantage of CART, it would not be justified to make CART a mandatory service

- b. Pass through of LEC vertical services should be required if a relay center is SS7 capable

The *NPRM* tentatively concludes that various vertical LEC services, such as anonymous call rejection and call screening should be provided to relay callers if they are offered by the subscribing TRS customer's local carrier and if the TRS facility can send Caller ID to the local carrier.<sup>11</sup> The Commission is correct that if a relay center has the ability to transmit caller ID to the local carrier, i.e., if the relay center is SS7-capable, it will accommodate a relay user's use of these services. Just as the Commission's Caller ID rules only require interexchange carriers to pass calling party number (CPN) if they are using SS7, functional equivalency will be achieved if the Commission requires relay centers using SS7 to accommodate LEC services utilizing SS7 capabilities.

- c. Providing last number dialed should be a voluntary service

The Commission describes Talking Return Call as a service that allows a relay caller to automatically return the last incoming telephone call, including the ability to monitor the last incoming calling party's line to see if it is busy, connect, and signal the party subscribing to Talking Return Call that he/she has been connected.<sup>12</sup> The Commission states that a relay provider may be able to identify the last party who called a TRS consumer via the TRS facility, and then may be able to arrange to monitor a busy called line to see if it becomes idle and

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<sup>11</sup> *Id.*, ¶122.

<sup>12</sup> *Id.*, ¶123

available to receive a call.<sup>13</sup> MCI supports making this capability voluntary. Identifying the last party who called a TRS consumer via the relay facility is not possible in multi-vendor states, which distribute calls to competing relay providers when 711 is dialed. In these situations, the called party may not be utilizing the same relay provider used by the calling party. Consequently, the relay center would not be able to properly identify the most recently dialed number to the called party. Moreover, originating caller information is not available for IP-Relay, which is a very prominently used relay service.

### 3. Technology

#### a. Speech recognition technology

The Commission notes that speech recognition technology can increase the pace at which relay conversations occur. It therefore seeks comment on whether providers have already integrated speech recognition technology into their operations, and whether there are any non-proprietary technologies available to support speech recognition technology.<sup>14</sup> MCI's relay platform is capable of integrating speech recognition technology, but it is not aware of any non-proprietary speech recognition technology applicable for relay.

## III. PUBLIC ACCESS TO INFORMATION AND OUTREACH

In this *NPRM* the Commission notes that its current outreach rules emphasize the use of information directories and periodic billing inserts to educate both relay users and the general public about the availability and use of TRS. The Commission recalls that it has found these methods to be insufficient to ensure the general public is aware of TRS.<sup>15</sup> MCI agrees that these

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<sup>13</sup> *Id.*, ¶124

<sup>14</sup> *Id.*, ¶125

<sup>15</sup> *Id.*, ¶128



outreach requirements have not result in sufficient education of the general public about TRS. Hang-ups remain a significant problem that persons with speech and hearing disabilities encounter.

MCI believes that greater reliance on outreach efforts by individual relay providers, rather than carriers, may be the vehicle through which greater public awareness of TRS can be achieved. MCI Global Relay devotes considerable resources to educate both relay users and the general public about the availability and use of relay. Unlike carriers, relay providers realize a direct economic benefit from outreach, since it increases demand and therefore reimbursement for relay providers. Consequently, relay-provider-based outreach efforts can be effective mechanisms to increase awareness of relay.

One method the Commission may use to fund greater national awareness of TRS would be to establish special mandatory minimum requirements for outreach that apply to TRS services which both serve the entire country and are reimbursed solely from the Interstate TRS – e.g., IP-Relay. IP-Relay providers serve the entire country and are therefore in a position to launch a nationwide outreach campaign. Funding would be provided through the contributions carriers make to the Interstate Relay Fund, and would fund outreach activities tied to specific services reimbursed by that Fund. MCI believes that the statute that governs the use of interstate relay funds, properly allows interstate relay providers to undertake national and general outreach activities.

If the Commission wants a non-provider, such as the National Exchange Carrier (NECA), to perform a national outreach campaign it should modify its TRS rules to authorize it to act as its agent in this matter, and then fund this outreach effort from its operating budget. The outreach fees would be collected from carriers through the payment of their annual regulatory

fees.<sup>16</sup> This is the mechanism the Commission has used to educate schools and libraries how to apply for E-rate funding. MCI would also support this mechanism to fund a national outreach effort. MCI does not have specific measures to recommend at this time, but hopes other parties will build a clear record that will allow the Commission to focus any new requirements on those most likely to be most effective.

#### **IV. PROVIDERS OF SERVICES REIMBURSED SOLELY FROM THE INTERSTATE RELAY FUND SHOULD BE CERTIFIED BY THE COMMISSION**

In its NPRM the Commission states “[b]ecause there is no federal certification process, Interstate TRS providers may seek reimbursement from the Interstate TRS Fund only after they have shown that they are an approved provider in a state TRS program that has been certified by the Commission.” MCI believes it would be a proper exercise of the Commission’s authority to require TRS providers who are not also participating in a state-certified TRS program to be certified by the Commission as being in compliance with the Commission’s mandatory minimum TRS requirements.<sup>17</sup> MCI supports the Commission’s tentative conclusion that such providers should apply to the Commission for certification as an interstate TRS provider; provide evidence they are in compliance with the mandatory minimum standards; and be required to keep a log of any complaints received, and their disposition of such complaints.<sup>18</sup> This would ensure that Interstate TRS providers, who provide only Interstate TRS services, would be in compliance with the Commission’s TRS requirements.

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<sup>16</sup> 47 U.S.C. 159(a)(1).

<sup>17</sup> 47 U.S.C. §225(b)(2)

<sup>18</sup> NPRM, ¶137.

MCI recommends that such providers be generally subject to the same standards required of state-certified programs. Thus, rather than require Interstate TRS providers, who provide only Interstate TRS services, to be recertified every year as the Commission proposes, recertification should occur once every five years, as is the case for review of state-certified programs.<sup>19</sup>

MCI does not generally see the need for all interstate TRS providers seeking reimbursement from the Interstate TRS Fund to apply to the Commission for certification if they are also participating in a certified state program.<sup>20</sup> In most instances, the services being reimbursed from the Interstate Fund are also being reimbursed from state relay funds. Therefore, the relay provider's compliance with the Commission's minimum requirements is being monitored by administrators in charge of state-certified programs. State administrators have enforcement and compliance mechanisms included in their contracts, and they may choose other providers at the end of a contract if they are not satisfied with the performance of the relay provider.

MCI only sees the need for interstate TRS providers seeking reimbursement from the Interstate TRS Fund to apply to the Commission for certification of services that do not have a jurisdictional indicator attached to each call. Complaints associated with such services might only be filed with the provider of the service. For this reason, the Commission would be the only regulatory body that would review complaints associated with such services. Consequently, a federal certification process for such services would be appropriate.

Finally, the Commission notes that some providers of VRS, and some potential providers of IP Relay and VRS, are not common carriers. It seeks comment on whether this should

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<sup>19</sup> 47 C F R §64.605(c)

<sup>20</sup> NPRM, ¶137

influence the need for a federal certification process.<sup>21</sup> According to Section 225 of the Communications Act, entities that are not common carriers or are not affiliated with common carriers are not eligible to be TRS providers.<sup>22</sup> The Commission may not allow non-common carriers not affiliated with a common carrier to be TRS providers.

## V. CONCLUSION

For the reasons stated herein, MCI urges the Commission to adopt the positions advocated in these Comments.

Respectfully submitted,

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<sup>21</sup> *Id.*, ¶139

<sup>22</sup> 47 U.S.C. 225(c).

## **Statement of Verification**

I have read the foregoing, and to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on September 24, 2003

**Larry Fenster**

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